



Metropolitan Police Department
Office of Professional Responsibility
Civil Rights & Force Investigations Division
MOA Compliance Monitoring Team



Metropolitan Police Department
and
U. S. Department of Justice

Memorandum of Agreement
Progress Report



October 4, 2002

Let us have but one end in view, the welfare of humanity; and let us put aside all selfishness in consideration of language, nationality, or religion. – John Comenius

I n t r o d u c t i o n

In January 1999, Chief Ramsey and District of Columbia Mayor Anthony Williams asked the United States Department of Justice to review the Metropolitan Police Department's (MPD) practices as they related to police use of force. In March 2001, the U.S. Department of Justice (DOJ) concluded its review, and later entered into a Memorandum of Agreement (MOA) with the District of Columbia and the Metropolitan Police Department. The Agreement built upon the work MPD started during the course of the review, and provided that an Independent Monitor would evaluate the implementation of the Agreement. When the balance of the reforms contained in the Agreement are implemented, the Metropolitan Police Department will be a model for the nation on how to uphold the rule of law while using force only when and to the extent necessary.

This progress report is the third submitted by the Department's Compliance Monitoring Team (CMT). The Compliance Monitoring Team, part of the Office of Professional Responsibility, was created by Chief of Police Charles H. Ramsey to ensure the timely implementation and compliance of the Memorandum of Agreement. This quarterly report reflects MPD's Memorandum of Agreement activity from July 15, 2002, through September 30, 2002.

It is noted that this quarterly report refers to only a ten-week period, as MPD agreed to publish its report earlier than planned. MPD, in conjunction with the Department of Justice and the Office of the Independent Monitor, agreed to include activity only through September 30, 2002, in order to accommodate the issuance of the Independent Monitor's report in October 2002. This and future MPD progress reports will be completed prior to the Independent Monitor's report. The Independent Monitor's report includes an independent assessment of MPD's compliance levels.

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MPD's quarterly reports are required by the Memorandum of Agreement, and have been designed by the MPD to share its MOA related activities not only with the U.S. Department of Justice and the Independent Monitor, but also throughout

the Metropolitan Police Department and the citizenry at large. A new addition to MPD's quarterly report is an addendum that lists all of the MOA's paragraphs and the status of each item.

The Metropolitan Police Department is extremely pleased with the progress made during this reporting period. Primarily, the Metropolitan Police Department and Department of Justice negotiated a modification of the Memorandum of Agreement (MOA Paragraph 194), and DOJ has discharged MPD from its breach status. In addition, MPD has been actively reengineering policies, documenting compliance, and negotiating with DOJ on specific Memorandum of Agreement issues during this reporting period. DOJ approved several seminal Use of Force related Department policies during this reporting period, and MPD reengineered other Department policies and submitted them to the DOJ.

The MPD Institute of Police Science (IPS) has been revising its curriculum in preparation for the FY2003 annual in-service training program. The revised lesson plans have been submitted to the Department of Justice (MOA Paragraphs 84 and 129).

...the MPD and DOJ negotiated a modification of the Memorandum of Agreement, and DOJ has discharged MPD from its breach status.

MPD continues to expand outreach activities during this quarter, to include activating a TDD telephone line to permit hearing impaired citizens to more easily comment on police officer conduct (MOA Paragraph 92). Further, MPD continued the process to institutionalize MOA requirements in its Policing for Prevention community policing program, as noted on the draft Community Outreach Program for Filing Citizen Complaints policy that was submitted to DOJ (MOA Paragraph 91). In addition, MPD has strengthened its relationship with the United States Attorney's Office for the District of Columbia (USAO) as it relates to police officer misconduct.

Finally, the Independent Monitor and his representatives have continued to examine various aspects of the MPD in order to document the Department's progress in MOA related areas. The Metropolitan Police Department is proud of its recent Memorandum of Agreement compliance efforts, and is confident that MPD is well on its way to becoming a model for the nation on how to uphold the rule of law while using force only when and to the extent necessary.

Compliance Monitoring Team

The Compliance Monitoring Team (CMT) was created by Chief of Police Charles H. Ramsey to ensure the timely implementation and compliance of the Memorandum of Agreement (MOA). The CMT falls under the Civil Rights & Force Investigations Division, located within the Office of Professional Responsibility.

The Compliance Monitoring Team has been engaged in numerous activities during this reporting period, coordinating a range of Memorandum of Agreement compliance efforts. Members of the Compliance Monitoring Team were actively negotiating the modifications of the Memorandum of Agreement with the Department of Justice. As a result, a joint modification to the Memorandum of Agreement was signed between the MPD and DOJ on September 30, 2002 (MOA Paragraph 194). As of September 30, DOJ no longer considers MPD to be in breach of the MOA. Furthermore, MPD and DOJ negotiated revised delivery dates for the MOA's remaining deliverable items.

The Compliance Monitoring Team has begun to morph itself into the institutional structure designed in March 2002, as noted in the CMT Organizational Plan. Over the past six months, the Compliance Monitoring Team has worked to complete the primary Use of Force policies for MPD, and obtain DOJ approval on them. Accordingly, the CMT took an active role in actually writing these policies in conjunction with members of the Department's Office of Organizational Development. Now that these policies have been approved, the CMT will gradually adjust and leverage those MPD organizational elements that are normally tasked with functions directly related to MOA requirements. The CMT will monitor, facilitate, and review future MOA-related deliverables through direct interaction with the senior executives ultimately responsible for tasks that fall into their responsibility areas. The CMT will provide support to these elements to assist them in completing MOA deliverables, and facilitate compliance documentation. In addition, the CMT has established itself as the central repository for MPD's Memorandum of Agreement documents, and has been documenting and transmitting draft policies and other deliverables to DOJ and the Office of the Independent Monitor (MOA Paragraph 173).

With the assistance of the D.C. Office of Contracting and Procurement and MPD's Accounts Payable office, the CMT has actively reviewed OIM invoices to control costs and ensure accountability.

The Compliance Monitoring Team has provided assistance to the MPD Office of Labor Relations regarding the unfair labor practice complaint filed by the Fraternal Order of Police concerning the MOA. The CMT also had representation on MPD's Lesson Plan Review Team at the Institute for Police Science to provide MOA-related input. Further, the Compliance Monitoring Team has been closely monitoring MPD's costs associated with the Office of the Independent Monitor. With the assistance of the D.C. Office of Contracting and Procurement and MPD's Accounts Payable office, the CMT has actively reviewed OIM invoices to control costs and ensure accountability.

The Compliance Monitoring Team Executive Committee met on Thursday, July 18, 2002. The Executive Committee consists of executive-level members of the Metropolitan Police Department and the City. Executive Committee members have ultimate responsibility to ensure that various aspects of the Memorandum of Agreement that fall into their responsibility area are met.

Finally, in a continuing effort to inform the Department of Justice, the Office of the Independent Monitor, the members of the MPD, and the citizenry about the individuals who are working on the MOA project, each progress report will contain a brief biography of a Compliance Monitoring Team member. This quarter's report features Maureen O'Connell.

Learn more about CMT member Maureen O'Connell

Maureen O'Connell has been assisting the Metropolitan Police Department on Memorandum of Agreement issues since before the MOA was signed. She has become an invaluable member of the Compliance Monitoring Team, and has helped MPD emerge from its MOA breach. Maureen works for the Institute for Law and Justice (ILJ), a non-profit corporation located in Alexandria, Virginia, that specializes in consulting, research, evaluation, and training in the field of criminal justice. During her time with ILJ, Maureen has assisted with various efforts to support the acquisition of new information technology at the Metropolitan Police Department. Maureen has not only facilitated MPD MOA compliance efforts, but has been an integral part of MPD's efforts to acquire a new early warning system, called the Personnel Performance Management System (PPMS).



Prior to coming to ILJ, Maureen worked at the National Institute of Justice's Crime Mapping Research Center (CMRC). At the CMRC, she worked on various research projects related to the spatial analysis of crime. She helped provide information and resources to criminal justice agencies around the country looking to implement geographic information systems (GIS) technology, and she also designed and maintained the Center's website. While there, she and her coworkers were awarded the prestigious "Hammer Award" by Vice President Gore's National Partnership for Reinventing Government. Members of the CMRC received the Hammer Award for their "success in enhancing and spreading the use of crime mapping to identify, prevent and control crime."

Maureen is originally from Mystic, Connecticut. She went on to American University in Washington D.C., for both her undergraduate and graduate degrees. While there, she had an internship with Senator Joseph I. Lieberman (CT) and worked as a student manager at "The Tavern," one of the school's restaurants operated by the Marriott Corporation.

She received a B.A. in Criminal Justice and was awarded a Department Fellowship while completing her M.S. degree in Computer Information Systems. After graduation, Maureen served as an adjunct faculty member with the Computer Science and Information Systems Department teaching "Creativity and Computers," a course designed to teach undergraduate students about multimedia computing.

Maureen is married (to a Fairfax County Police Officer), and lives in Falls Church, Virginia.

General Orders and Policies

The Metropolitan Police Department is pleased with the great strides made with the Department of Justice as it relates to the approval of reengineered general orders and policies. Specifically, during this reporting period, seven significant Use of Force related general orders and/or policy items were approved by DOJ after intense evaluation and negotiation. The following general orders and policies were approved by DOJ during this quarter:

- Use of Force (MOA Paragraphs 37-40)
- Use of Force Investigations (MOA Paragraph 53)
- Use of Force Incident Report (MOA Paragraph 53)
- Handling of Service Weapons (MOA Paragraphs 41 and 43)
- Canine Teams (MOA Paragraphs 45 and 46)
- Oleoresin Capsicum Spray (MOA Paragraphs 47-50)

Additionally, it is noted that DOJ has also approved the below general orders;

- Force Related Duty Status Determination
- Carrying Weapons and Transporting Prisoners Aboard Aircraft

The above general orders and other items are scheduled to be implemented and disseminated throughout the Department during the week of October 6, 2002. A use of force informational circular summarizing the changes will accompany the rollout of the general orders.

Timelines

The Metropolitan Police Department has acknowledged that it had failed to meet deliverable timelines originally established in the Memorandum of Agreement. During this reporting period, MPD and DOJ negotiated new deliverable timelines and agreed to a modification of the MOA on September 30, 2002 (MOA Paragraph 194). The modification indicated that MPD was discharged from its MOA breach.¹ In the modification, DOJ acknowledged that "MPD has made significant strides to satisfy many of its obligations under the MOA – consistently improving both the quality and timeliness of its deliverables in the last several months." The Metropolitan Police Department is extremely pleased with this modification, and is looking forward to implementing future MOA-related policies.

DOJ acknowledged that "MPD has made significant strides to satisfy many of its obligations under the MOA – consistently improving both the quality and timeliness of its deliverables in the last several months."

¹ The modification notes that MPD and DOJ are still negotiating timelines for the implementation of the PPMS system.

One of the core issues that had delayed some of the seminal draft policies related to the Use of Force Incident Report. Those issues were resolved and are mentioned later in this section.

Pending Reengineered Policies

During this reporting period, the Metropolitan Police Department submitted several draft policies to the DOJ. Specifically, on July 16, 2002, the MPD submitted the MPD Vehicular Pursuit teletype. On July 23, 2002 MPD submitted a draft of the Serious Misconduct Investigations General Order, and on July 26, 2002, MPD submitted the Office of Internal Affairs Operational Manual.

On September 26, 2002, the Department of Justice offered tentative approval of MPD's Use of Force Review Board general order. However, the policy was not finalized in time for the publication of this progress report. In addition, DOJ provided detailed comments to MPD on September 13, 2002, regarding the draft Serious Misconduct Investigations General Order (MOA Paragraphs 68 and 72) and the MPD Vehicular Pursuit teletype. MPD responded to the comments on September 30, 2002. MPD accepted DOJ's comments on the Vehicle Pursuit teletype, but did not complete revisions to the Serious Misconduct Investigations General Order in time for the publication of this progress report.²

In addition, on September 27, 2002, the Metropolitan Police Department forwarded a draft of MPD's Community Outreach Program for Filing Citizen Complaints to DOJ (MOA Paragraph 91). The draft, crafted by the MPD's Policing for Prevention Office and MPD's Office of Directive Development, sets guidelines for outreach activities to inform citizens on how to file complaints against police officers. The Metropolitan Police Department continues to have several other MOA deliverables in active development that are nearing completion in accordance to the revised deadline schedule. They include the Specialized Mission Units General Order and Citizen Complaint General Order

DOJ sought to have the involved police officer complete the document, while MPD sought to have a supervisor complete the form. The impasse was resolved during this reporting period, as MPD and DOJ worked together to attain a compromise and develop mutually agreeable language.

Use of Force Incident Report

As noted above, a central issue that had delayed final approval of several seminal draft policies concerned the Use of Force Incident Report and its related procedures. DOJ sought to have the involved police officer complete the document, while MPD sought to have a supervisor complete the form. The impasse was resolved during this reporting

² It should be noted that post September 11 attack activities, as well as IMF preparations and demonstrations occurred during this period.

period, as MPD and DOJ worked together to attain a compromise and develop mutually agreeable language. The following language was agreed upon and incorporated into several force-related general orders:

" In all uses of force requiring a Use of Force Incident Report, the member shall immediately notify his/her supervisor of the use of force, intentional or unintentional, exercised by the member, any accusation of excessive force made against the member, or immediately following the drawing of and pointing a firearm at or in the direction of another person, and shall promptly complete the Use of Force Incident Report. Members who decline to complete the Use of Force Incident Report immediately following the incident shall be compelled to complete the report following a declination by the U. S. Attorney's Office and/or issuance of an authorized Reverse-Garrity warning."

In addition, in the prior MPD progress report, MPD indicated that it planned to rename the Use of Force Incident Report (UFIR) as the Subject Resistance Form. However, following concerns raised by the DOJ and the Office of the Independent Monitor, MPD decided not to rename the form.

The MPD intends to automate the UFIR form to make it easier for officers to complete the form, as well as to efficiently transition the information into the Personnel Performance Management System (PPMS). A demonstration of the automated UFIR form was conducted for DOJ on Friday, September 13, 2002. On September 17, 2002, DOJ indicated that it approved of the demonstration. It should be noted that the automated UFIR form is not yet ready for implementation in the field, and DOJ approved a hard-copy version of the form to be utilized in the interim. Accompanying the hard-copy version will be a MPD Circular explaining the UFIR reporting process.

Communications & Community Outreach

On July 26, 2002, the Metropolitan Police Department Office of Corporate

...the Office of Corporate Communications completed a revised draft citizen complaint brochure, poster, and information sheet. The Office...is now having ...items translated into several languages...

Communications submitted a communications plan to DOJ regarding the Memorandum of Agreement. However, subsequent to that date, new outreach deliverable timelines were agreed upon. A revised communications plan reflecting the new outreach dates will be submitted during the next reporting period.

However, during this reporting period, the Office of Corporate Communications completed a revised draft citizen complaint brochure, poster, and information sheet. The Office of Corporate Communications is now having some of the items

translated into several languages as required in the MOA, and is planning to distribute the items in accordance with newly negotiated outreach timelines.

Internal Communication Activities

Assistant Chef Peter J. Newsham continues regular updates to MPD executives on Memorandum of Agreement activities at command meetings held every Tuesday by Executive Assistant Police Chief Michael J. Fitzgerald. Further, the MPD office of Organizational Development (OOD) is in the process of entering MOA deliverable items into MPD's new centralized Commitment Tracking System (CTS). The Compliance Monitoring Team has been working closely with the Office of Organizational Development in order to ensure that the appropriate accountable police executives are properly entered into the commitment database.

The CTS was procured to assist the Chief of Police in tracking the Department's commitments. The automated system requires executives to access the database from any Department computer and electronically update their commitments in the system.

Additionally, while rolling out the reengineered general orders mentioned earlier, the Metropolitan Police Department will inform members of the new changes. The mechanism for disseminating will be in the form of internal newsletters, a roll-call video, and several supervisory informational seminars conducted by the Institute for Police Science. These efforts will be documented in the next quarterly report.

External Communication Activities

The Memorandum of Agreement contains several requirements concerning external outreach to the community. Accordingly, on September 27, 2002, MPD forwarded a draft of MPD's Community Outreach Program for Filing Citizen Complaints to DOJ (MOA Paragraph 91). The draft, developed by MPD's Policing for Prevention Office and MPD's Office of Organizational Development, is designed to institutionalize infusing the complaint process into the Department's Patrol Service Area Policing for Prevention program.

MPD procured a TDD machine and related telephone line, and now has the capability to receive complaints from the hearing impaired.

Receipt of Complaints

The MPD continues to embrace the concept of multiple conduits for citizens to file citizen complaints. In addition to traditional complaint reporting methods, citizens can call a toll free telephone number (800-298-4006), or email complaints to oprcompl@mpdc.org. During this reporting period, the MPD enhanced its ability to receive complaints from hearing impaired stakeholders. Specifically, MPD procured a TDD machine and related telephone line, and now has the capability to receive

complaints from the hearing impaired (MOA Paragraph 92). The TDD telephone number is 202-898-1454. This telephone number will be included on MPD's complaint outreach posters and brochures.

Office of Citizen Complaint Review (OCCR)

Many of the complaint procedures and complaint reporting outreach plans involve both the Metropolitan Police Department and the Office of Citizen Complaint Review (OCCR). The District government enacted a law in 1999 establishing the Office of Citizen Complaint Review (OCCR) and the governing Citizen Complaint Review Board (CCRB). The mission of the agency is to investigate, settle and adjudicate complaints of misconduct filed by the public against officers of the Metropolitan Police Department (MPDC) in an independent, fair and timely manner.

The Metropolitan Police Department is committed to supporting the efforts of the OCCR. Accordingly, it is essential that the MPD and OCCR establish a positive working relationship in order to ensure that MPD officers are held accountable for their actions. However, cooperation between the two agencies needed to be enhanced, as the lack of a formalized Agreement between the agencies hampered interaction (MOA Paragraph 85).

Previously, it had been agreed that MPD and OCCR would form a "working group" to draft a formal Memorandum of Understanding (MOU) between the agencies. Further, it was agreed that the first draft of the MPD-OCCR MOU would be completed by August 15, 2002, and finalized by August 31, 2002. Unfortunately, these deadlines were not met. The Metropolitan Police Department contacted the Office of the Deputy Mayor for Public Safety, seeking assistance. Subsequently, representatives from both agencies met in the spirit of cooperation and established a formal Memorandum of Understanding. The MOU was signed by representatives of both agencies on September 28, 2002 and was submitted to DOJ and the Independent Monitor on September 30, 2002.

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The MOU addresses information sharing, training, complaint intake & referral, witness interviews, and other items. It is anticipated that this agreement will enhance the relationship between the two agencies, and afford the stakeholders of the District of Columbia several alternatives in which to choose in order to hold police officers accountable.

Website

The internet continues to be a valuable and efficient tool in which to inform the public. MPD's website has evolved into a crucial element used both to disseminate and collect

information. MPD's deadly force and less lethal force statistics are now posted quarterly, and will be updated in October 2002 (MOA Paragraph 160). MPD's website is www.mpd.dc.gov.

The Office of Corporate Communications has advised that it is still working to revise MPD's website to more efficiently link website visitors to Memorandum of Agreement topic areas.

Investigations

Chief of Police Charles H. Ramsey established the Force Investigation Team in January 1999, the Force Investigation Team has evolved into the new national model for police use of force investigations. The team, which took a business-related perspective to force investigations, has been recognized internationally for its high quality investigations and unique approach to use of force issues.

Previous reports from the Office of the Independent Monitor have indicated that MPD has made significant progress in the area of use of force investigations, and found that the work of FIT appeared to be of high quality.

Previously, investigative protocols were established to comply with the requirements of the Memorandum of Agreement. A copy of the revised Force Investigation Team Organizational Plan and Operations Manual reflecting these protocols was submitted the Department of Justice on February 5, 2002, and to the Independent Monitor on April 8, 2002. On August 12, 2002, the MPD received detailed comments from DOJ regarding the FIT operational manual. In addition, the Office of the Independent Monitor conducted an assessment of FIT investigations and offered several suggestions for improvement in its August compliance report.

The Force Investigation Team is now revising its operational manual and reporting templates in response to DOJ's comments, the OIM's recommendations, and MPD's newly approved Use of Force general orders. The revised manual and templates are scheduled for completion during the next reporting period.

FIT now includes in its reports information related to officer impairment and a supervisory involvement timeline.

However, it is noted that the Force Investigation Team has implemented some immediate protocol changes pending its institutionalization in the revised FIT manual. As a result of the OIM assessment, FIT now includes in its reports information related to officer impairment and a supervisory involvement timeline. In addition, the Force Investigation Team has created an AUSA Notification Log to efficiently document FIT notifications to the U.S. Attorney's Office. Further, the Force Investigation Team

implemented a new file record protocol, formalizing the way in which the unit manages both its electronic and hard copy investigative files.

Further, as a result of negotiations between MPD and DOJ, it was agreed that members of the Force Investigation Team will receive formalized training on all new force-related general orders within thirty days of issuance. In addition, the Force Investigation Team submitted its internal training records to DOJ and the OIM, reflecting the training provided to investigators by the MPD.

MPD's Office of Internal Affairs (OIA) has also been hard at work on implementing MOA reforms. On July 31, 2002, OIA submitted a Personnel Allocation Plan (MOA Paragraph 68) outlining its plan to allocate sufficient personnel to accomplish the new MOA responsibilities with regard to serious misconduct investigations.³ OIA also developed internal procedures to ensure that citizen complaints submitted via email are properly documented and tracked (MOA Paragraph 92). OIA also developed internal procedures for the tracking of vehicular pursuits (MOA Paragraph 107f). Copies of both procedures are provided as attachments to this document.

Finally, an Administrative Misconduct Investigations policy is near completion, and the draft Office of Internal Affairs Manual has been submitted to DOJ. Once approved, these documents will help enhance the quality of other officer misconduct investigations.

The Force Investigation Team also saw the departure of its Assistant Commanding Officer, Lieutenant Yvette D. Tate. Lieutenant Tate has been appointed the commanding officer of the MPD Executive Protection Unit. In this position, Lieutenant Tate is responsible for the protection of the Mayor of the District of Columbia. Lieutenant Tate has been part of the Force Investigation Team since its inception, and has played an integral part of its success. Lieutenant Tate has been replaced by Lieutenant Alberto Jova, who was formerly assigned as the commanding officer of an Office of Internal Affairs Police Corruption Team.

United States Attorney's Office for the District of Columbia

On September 4, 2002, representatives of the Metropolitan Police Department met with representatives the United States Attorney's Office for the District of Columbia (USAO) and discussed notification issues related MOA Paragraph 73. Specifically, Assistant Chief of Police Peter J. Newsham requested to Assistant U.S. Attorney William Blier, in writing, that the USAO notify the Metropolitan Police Department in the following circumstances:

³ MOA Paragraph 72 outlines the types of serious misconduct investigations that OIA will now be handling.

- In incidents where a person is charged with either Assault on a Police Officer, Resisting Arrest, or Disorderly Conduct, and the U. S. Attorney's Office or a Judge dismisses the charge based on officer credibility.
- Incidents in which there was an order suppressing evidence because of a constitutional violation involving potential misconduct.
- When there is any other judicial finding of misconduct in the course of a judicial proceeding.
- Incidents where a Judge or Magistrate requests a misconduct investigation pursuant to information developed during a judicial proceeding.

On September 17, 2002, Mr. Terrence Keeney, Special Counsel to the U.S. Attorney, wrote to Assistant Chief Newsham and confirmed that the U.S. Attorney's Office would comply with this MOA provision. A copy of both letters are attached with this report.

The Force Investigation Team continues its efforts to remain a cutting-edge investigative team with high integrity by continuing its efforts to identify new ways to efficiently and objectively investigate use of force incidents.

P o l i c e C a n i n e T e a m s

On May 4, 2000 the Metropolitan Police Department implemented an interim canine policy and has initiated significant improvements in its canine operations. The Department of Justice acknowledged these improvements in Paragraph 44 of the Memorandum of Agreement. The Metropolitan Police Department submitted a draft Canine Teams general order to DOJ, and that general order has been approved and is scheduled for dissemination during the week of October 6, 2002.

...DOJ agreed to MPD's proposed canine deployment methodology. The technique...results in both the canine and handler being trained to the point that the handler has demonstrated total control over the canine's actions.

The Department of Justice agreed to MPD's proposed canine deployment methodology. The technique, entitled Handler-Controlled Alert Methodology – results in both the canine and handler being trained to the point that the handler has demonstrated total control over the canine's actions. The canine will only engage upon handler command, except under two very limited circumstances: protecting the canine handler from possible attack and gunfire.

The Canine Unit also provided documentation regarding the breeding and certification of the Department's Patrol Canines. The documentation was provided to the Independent Monitor on September 9, 2002 and is included with this report (MOA Paragraph 146).

The Special Services Command is working to produce several canine-related items pursuant to the MOA. These items include a plan that specifically outlines a certification program for MPD canine instructors with the topics/areas covered including how the instructor is certified in handler controlled alert methodology, and the Canine Unit's internal Standard Operating Procedures.

T r a i n i n g

Training and education are key aspects of the Metropolitan Police Department's Use of Force management. The Metropolitan Police Department Institute of Police Science (IPS) has instituted many reforms concerning Use of Force issues. Accordingly, the IPS is tasked with the responsibility to train members of the Department on the reengineered policies (MOA Paragraphs 84 and 129).

In order to accomplish this mission, the IPS will begin a new Annual In-Service Training Program on October 7, 2002. In order to prepare for this training, IPS engaged in several activities during this reporting period. Primarily, IPS developed new curriculum and lesson plans. The IPS created a Lesson Plan Review Team (LPRT), consisting of Assistant Chief Shannon Cockett, IPS; Lieutenant David Kamperin, IPS; Lieutenant Nicholas Mudrezow, IPS; and MPD General Counsel Terry Ryan. Laurie Samuel represented the Compliance Monitoring Team.

The LPRT facilitated the completion of curriculum lesson plans based on advance drafts of reengineered general orders. The LPRT worked to ensure that the curriculum and lesson plans were consistent and met the requirements of the MOA. As of September 30, 2002, IPS had completed fifteen (15) lesson plans for in-service training. The following lesson plans were created and forwarded to DOJ:

- Administrative Misconduct Investigation Policy & Procedures using the Preponderance of Evidence Standard
- Arrest, Custody, and Restraint Procedures
- Bias-related Hate Crimes
- Canine Policies and Procedures
- Command Accountability
- Communication and Interpersonal Relationship Skills
- Crime Scene Preservation
- Cultural Diversity and Sensitivity Awareness
- Defensive Tactics
- Ethics, Integrity, and Professionalism
- Theories of Motivation and Leadership
- Use of Force and Use of Force Continuum (with manual)
- Use of Force Incident Report Form
- Use of Force Review Board
- Verbal Judo Recertification

Additional IPS curriculum and lesson plans will be forwarded to DOJ upon completion.

The RMS Training Manager Software was installed at IPS and at each MPD unit for use by individual training coordinators throughout the city. The software is now operational.

The Institute of Police Science also advanced towards enhancing its responsibilities under MOA Paragraph 125 of the MOA which requires that MPD maintain training records regarding every MPD officer which reliably indicates the training received by each officer. As noted in the previous progress report, IPS staff reviewed available software packages used by other law enforcement agencies and procured training management software developed by RMS Systems, Incorporated.

The RMS Training Manager Software was installed at IPS and at each MPD unit for use by individual training coordinators throughout the city. The software is now operational. A demonstration of the software was provided to DOJ and the OIM on August 19, 2002. IPS staff is continuing work inputting historical data from existing systems.

Finally, IPS's Firearms Range submitted its standard operating procedure (SOP) outlining contacting all MPD firearms' manufacturers on a quarterly basis in order to comply with MOA Paragraph 144. The SOP was submitted to the Independent Monitor and to DOJ on September 30, 2002. In addition, MPD submitted documentation of its July 2002 consultations with Glock to DOJ and the Monitor on August 2, 2002 demonstrating compliance with MOA Paragraph 144 for this past quarter.

During the next reporting period, the IPS will continue to work on documenting compliance with the various training-related components of the MOA.

Personnel Performance Management System

The Metropolitan Police Department and the District of Columbia have committed to develop and fully implement a computerized relational database for maintaining, integrating, and retrieving data necessary for supervision and management of the Police Department and its personnel. The system has been designated the *Personnel Performance Management System (PPMS)*. The computerized data compiled as part of the PPMS will be used regularly and affirmatively by the Metropolitan Police Department to promote civil rights integrity and best professional police practices.

...ILJ conducted for MPD a mid-level systems analysis of existing MPD systems to determine which existing databases could be enhanced

The Metropolitan Police Department has previously been awarded a \$500,000.00 grant from DOJ's Community Oriented Policing Services (COPS) Office. The grant (award #2001CKWXK090), will be used to partially fund the new system.

The Metropolitan Police Department's PPMS Selection Team has opted to follow the Phoenix Police Department's model for a performance tracking system to enhance existing databases to ensure all necessary information is collected and maintained; create a new system that meets all of the requirements outlined in the MOA; and create protocols to ensure the timely, automated transfer of information from the enhanced databases to the new system.

Accordingly, the Metropolitan Police Department has proposed revising the PPMS procurement timelines. It is noted that DOJ has not yet agreed to these timelines. As noted in the September 30, 2002 joint modification to the MOA, MPD and DOJ are actively negotiating realistic timelines.

The proposed timelines are as follows:

July 2002 - August 2002

Conduct a mid-level systems analysis of existing MPD systems to determine which existing databases can be enhanced.

September 2002 – October 2002

Work with the Office of Contracts and Procurement to identify the best procurement option to meet MPD's needs.

November 2002

Select contractor for Phoenix-model PPMS system

November 2003 (Timeline based on MOA ¶ 114d)

Complete Beta-Version of PPMS

May 2004 (Timeline based on MOA ¶ 114e)

PPMS operational and fully implemented

While these dates have not yet been approved, MPD is continuing its efforts in accordance with them until timelines are finalized/modified. Accordingly, the Institute for Law and Justice (ILJ) conducted for MPD a mid-level systems analysis of existing MPD systems to determine which existing databases could be enhanced. In addition, the analysis helped MPD assess whether new systems needed to be created in order to come into compliance with the MOA. The subsequent product of the mid-level systems analysis was a planning document that outlines the requirements of the new Phoenix-model PPMS. The mid-level systems analysis was forwarded to DOJ on August 30, 2002. A copy of this analysis is attached to this report.

Performance Assessment Management System (PAMS)

The MPD realizes that the creation and implementation of the PPMS is not complete. MPD desired to implement PPMS-related reforms prior to the implementation of the computerized system. Accordingly, as an interim solution, the MPD is continuing to enhance its current computerized personnel monitoring system. MPD does not represent the PAMS system as a stand-in for the PPMS system requirement. MPD requested that DOJ review the draft Performance Assessment Management System Special Order so that MPD could better prepare for future PPMS needs. DOJ provided MPD with comments, and it is expected that PAMS Special Order will be implemented in the next reporting period.

Department of Justice

Since the creation of the Compliance Monitoring Team in February 2002, there has been interaction between the Metropolitan Police Department and the Department of Justice. Notwithstanding telephone calls and electronic messages, there have been numerous other contacts between the two Departments in order to continue established dialogue between the agencies.

During this reporting period, representatives from MPD and DOJ met at the monthly "all-hands" meeting held at the Office of the Independent Monitor. Additionally, several meetings were held in which new deliverable timelines were negotiated between MPD and DOJ.

The level of cooperation between the MPD and DOJ has been high. MPD is extremely pleased to be discharged from its breach status as it relates to the MOA. In order to maintain communication, MPD and DOJ have established regularly scheduled monthly meetings to discuss MOA activities. The meetings are held on the third Thursday of every month.

The Metropolitan Police Department continues its partnership with the Department of Justice to jointly complete the requirements of this Memorandum of Agreement.

Fraternal Order of Police

The Fraternal Order of Police (FOP) is the Labor Union for all police officers, technicians, detectives, and sergeants on the Metropolitan Police Department. The Metropolitan Police Department recognizes the importance and value of including them in Memorandum of Agreement endeavors.

However, the relationship between MPD and the FOP has been tenuous. Despite MPD efforts to include the FOP on the Compliance Monitoring Team, the FOP has declined to participate. On March 7, 2002, the Fraternal Order of Police filed an Unfair Labor Practice (ULP) Complaint against the Metropolitan Police Department with the District of Columbia Public Employees Relations Board. The Labor Union cited alleged changes in terms and conditions of employment relating to the Memorandum of Agreement as the reason for the filing.

On Tuesday, September 24, 2002, a hearing was held at the Public Employee Relations Board regarding the FOP's complaint.

On Tuesday, September 24, 2002, a hearing was held at the Public Employee Relations Board regarding the FOP's complaint. At the hearing, witnesses testified and documents were submitted by both the Fraternal Order of Police and the Metropolitan Police Department. No decision has been made by the Public Employee Relations Board as of the date of publication of this report.

At the request of the FOP, the Metropolitan Police Department will provide FOP executives with a demonstration of the PAMS system during the next reporting period. MPD still welcomes participation by the Fraternal Order of Police on the Memorandum of Agreement and the Compliance Monitoring Team.

I n d e p e n d e n t M o n i t o r

The Memorandum of Agreement requires that the Metropolitan Police Department and the Department of Justice jointly select an Independent Monitor who will review, report, and assist on matters related to the Agreement's implementation (MOA Paragraph 161). On March 28, 2002, the Metropolitan Police Department and the law firm of Fried, Frank, Harris, Shriver & Jacobson jointly announced that Michael R. Bromwich had been selected as the Independent Monitor. Mr. Bromwich is a partner at the firm, and is head of the internal investigations, compliance and monitoring practice group there.

The Independent Monitor completes and disseminates quarterly progress reports regarding MPD's Memorandum of Agreement compliance efforts. The next report is scheduled to be completed later this month. A copy of the report, along with past reports, are available at the Independent Monitor's website at www.policemonitor.org.

The Compliance Monitoring Team engaged in a myriad of activities to assist representatives from the Office of the Independent Monitor in gathering information for their report.

The Independent Monitor continues to host monthly “all-hands” meetings in which all MOA stakeholders meet, to include the Chief of Police, DOJ, the Office of Citizen Complaint Review, Office of the Corporation Counsel, and the Compliance Monitoring Team among others. These meetings occur on the first Monday of each month.

Further, the Compliance Monitoring Team also meets with representatives from the OIM on the third Monday of each month to informally discuss MPD’s MOA-related activities. Additionally, the Compliance Monitoring Team has been assisting the OIM by facilitating document and meeting requests throughout the agency.

During this reporting period, the Compliance Monitoring Team has been assisting the Independent Monitor to facilitate compliance activities including:

- Auditing pistol requalification courses
- Auditing use of force recertification records
- Reviewing accuracy of PAMS data
- Reviewing chain of command investigations
- Reviewing FIT-II investigations
- Tracking the development of new policies

In addition, the Compliance Monitoring Team has been closely monitoring MPD’s costs associated with the Office of the Independent Monitor. With the assistance of the D.C. Office of Contracting and Procurement and MPD’s Accounts Payable office, the CMT has actively reviewing OIM invoices to control costs and ensure accountability.

The Metropolitan Police Department is looking forward to a continued positive working relationship with the Independent Monitor.

Other Activities

The Metropolitan Police Department recognizes its responsibility to share as much information as possible in the most efficient manner to Memorandum of Agreement stakeholders such as the Department of Justice and the Independent Monitor. The MPD will continue to engage in activities that places itself on the forefront of law enforcement civil rights activities.

Compliance Monitoring Team Members Recognized

Compliance Monitoring Team member A. Frank Anderson has been nominated for the Metropolitan Police Department Civilian Employee of the Year award. In his role as a Senior Management Analyst with the Office of Organizational Development, Mr. Anderson has been an unsung hero in achieving MPD’s MOA-related commitments. Mr. Anderson has been prolific in reengineering MPD’s seminal Use of Force related general

orders in a very short period of time. The incredible amount of complexity, attention to detail, and analytical thinking that was necessary to achieve this success reflects the skills and commitment that Mr. Anderson brings to the Metropolitan Police Department. We wish him luck and hope he receives the award.

Inspector Joshua A. Ederheimer, Director of the MPD Civil Rights & Force Investigations Division (which includes the Compliance Monitoring Team) was selected to receive the 2002 Morris & Gwendolyn Cafritz Foundation Award for Distinguished DC Government Employees. Following a city-wide competition, Inspector Ederheimer and four other D.C. employees will be recognized on October 9, 2002, for performance that exemplifies the best in public service.



District of Columbia Mayor Anthony Williams will be the keynote speaker at the event. The annual awards program is made possible by a grant from the Morris and Gwendolyn Cafritz Foundation and is administered by D.C. Agenda in partnership with the Center for Excellence in Municipal Management at George Washington University. The award honors individuals whose contributions have been exceptional. Congratulations to Inspector Ederheimer and the Metropolitan Police Department.

International Workshop

The Metropolitan Police Department, in conjunction with the Department of Justice and the Office of the Independent Monitor, will be conducting a workshop at the 109th IACP International Annual Conference. The workshop, entitled *Law Enforcement and DOJ Partnerships: Creating and Implementing a Memorandum of Agreement*, will be presented on October 8, 2002, in Minneapolis, Minnesota.

The Metropolitan Police Department is committed to completing the balance of reforms contained in the Memorandum of Agreement. We are pleased with the significant progress that has already been made. The Metropolitan Police Department is confident that it is well on its way to becoming the national model on how to uphold the rule of law while using force only when and to the extent necessary.

A t t a c h m e n t s

- Canine Breeding and Certification Memo (08-27-02)
- Compliance Monitoring Team Memorandum of Agreement completion matrix (09-30-02).
- FIT policy memorandum concerning investigative files
- FIT policy memorandum concerning new policy training
- FIT policy memorandum concerning USAO notification log
- FIT training records (09-20-02).
- MOU between the MPD and OCCR (09-30-02).
- MPD – DOJ Joint Modification to the Memorandum of Agreement (09-30-02).
- MPD citizen complaint outreach materials; poster, brochure, & information sheet.
- MPD Letter to USAO & USAO response relative to misconduct notifications to MPD by the USAO
- OIA citizen complaint email CS tracking procedures (08-01-02).
- OIA vehicle pursuits CS tracking procedures (08-01-02).
- PPMS mid-level systems analysis (08-30-02).